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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUL 10 1995

FCC MAIL ROOM

In the Matter of

Allocation of Spectrum in the 5 GHz Band
To Establish a Wireless Component of the
National Information Infrastructure

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RM-8653

DOCKET FILE COPY ORIGINAL

To: The Acting Secretary

COMMENTS TO PETITION FOR RULEMAKING

"NII BAND"

William J. Kaiser
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July 7, 1995

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COMMENTS TO PETITION FOR RULEMAKING

I file these comments as one who would be adversely affected by the adoption of the proposals in RM-8653.

Petitioner's requested rulemaking does not consider the harm caused in the 5725-5875 MHz band segment to the existing operations there. Scarcely more than one page of the thirty-four pages filed address this issue. The "NII Band" proposal would result in a decrease in public safety and emergency preparedness, would interfere with existing international satellite operations, would damage the band for weak-signal tropospheric and Earth-Moon-Earth communication modes currently in use in the Amateur community, and create a bad precedent by allowing unlicensed stations to have spectrum priority over licensed stations.

The petitioner's request for haste in consideration of the petition is inappropriate in light of the significant, complex issues – both technical and spectrum-allocation – raised by the sweeping, vaguely-defined claims of the proposed rulemaking. The petition should be denied consideration as it is presently written.

I. Decrease in Public Safety and Emergency Preparedness

Northern California, where I live, is a collection of communities, each community with its own separate police and fire departments. In many cases, these service providers

have difficulty interoperating, especially when a large-scale emergency management problem presents itself. Two such cases in recent times have been the 1989 earthquake and the 1991 Oakland fire. In both of these cases, emergency traffic has been carried over the Amateur-band 5.7 GHz linking system that interconnects the greater Bay Area. All the available spectrum in our band is in active use at the hub sites. It would be not possible, from a manpower and equipment perspective, to re-implement this extensive system on another band.

Petitioner's proposals would allow any individual who happened to be near any of the system sites to shut down the entire system. The loss of this area-wide emergency management system would be felt, not immediately, but only later, at the time of critical need.

II. Interference with International Satellite Operations.

No mention in the filing is made of the harm caused by interference to satellite systems operating internationally in orbit. The latest series of AMSAT satellites carries equipment operating in the band affected by the RM-8653 petition. As these satellite receivers fly over the airspace where the proposed-rulemaking equipment is in use, communications with the orbiting spacecraft will be impaired or impossible.

III. Damage to Weak-Signal and EME (Earth-Moon-Earth) Communication Modes.

The proliferation of unlicensed so-called Part 16 devices will spread energy over the spectrum in use now at 5760 MHz for tropospheric weak-signal and EME operations. The noise floor in the band will be raised considerably by petitioner's prospective use. This increased noise floor could require increased power usage by the Amateur stations involved, or larger antennas, or both. As the existing users of the band know, most of these installations are at the maximum practical limits already. Raising the noise floor will deny the use of 5760 MHz to the community. The present secondary-use status of the Amateur allocation allows relief from harm due to the part 15 operations ongoing

there presently. This is also compatible with the intermittent operations of the EME and tropo modes.

Details of EME and tropo operations, individuals involved, distances covered, and frequencies used are covered in the North Texas Microwaves Society publication, *Feedpoint*.

IV. Precedent for Unlicensed Priority over Licensed Stations Considered Harmful.

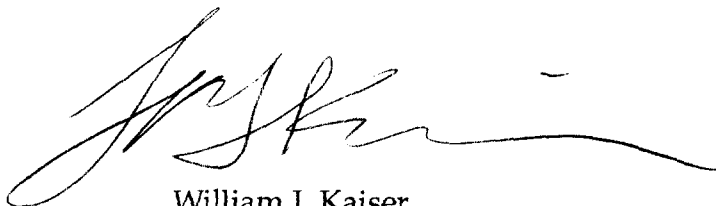
Interference-resolution processes among the existing shared users of the band are well-understood and facilitated by the technical proficiency required by the licensed operators in the band, as well as the FCC regulations regarding band use. No such understanding would be present or expected in an unlicensed NII band user, making interference resolution difficult.

The proposed preferential treatment of the "NII" devices would create the curious situation of a technically naive purchaser of such a device being able to shut down an Amateur for simply having an antenna on his roof, in the event the NII user experienced some delay in throughput or interference from some (unknown) source. Who arbitrates these disputes? What recourse has an unjustly or inappropriately accused Amateur operator?

V. Conclusion.

Petitioner has not shown sufficient concern for existing band users in the 5725-5875 band users. The petition for rulemaking should be denied.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'WJ Kaiser', with a long horizontal flourish extending to the right.

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